ADR Bulletin
ADR Bulletin

Volume 12 | Number 5 Article 4

1-1-2011

Negotiation: Strategy Style Skills

Laurence Boulle
Bond University, Laurence_Boulle@bond.edu.au

Recommended Citation
Boulle, Laurence (2011) "Negotiation: Strategy Style Skills," *ADR Bulletin*: Vol. 12: No. 5, Article 4.
Available at: http://epublications.bond.edu.au/adr/vol12/iss5/4

This Book Review is brought to you by ePublications@bond. It has been accepted for inclusion in ADR Bulletin by an authorized administrator of ePublications@bond. For more information, please contact Bond University's Repository Coordinator.

BOOK REVIEW

Laurence Boulle

Negotiation: Strategy Style Skills

Nadja Alexander and Jill Howieson
Negotiation: Strategy Style Skills
2ed, 2010, LexisNexis Butterworths, Chatswood

This is the second edition of a well-known Australian text, the first version of which was authored 12 years ago by Alexander, Buckley and Rogers. This edition is fresh and vibrant, has new content and stimulus material, and advances both knowledge and skills for practitioners and students of the ubiquitous subject-matter it addresses. Its philosophical assumption is that 'much of negotiation is learnable', an approach which at the outset deserves two and a half hearty cheers.

An outline of the contents gives an initial sense of the book's approach to the subject-matter. After the routine introductory and definitional matters, it turns to three different approaches to negotiation encountered in the positional, interest-based and constructive models of the process. It then devotes chapters to: preparing for negotiations; the communication skills involved in the process; interpersonal requirements to assist the negotiator; and the impacts of emotion, culture and 'sex on the brain' on bargaining. The final three chapters deal with: 'tough skills for tough negotiation'; multiparty and team negotiations; and ten principles for constructive negotiations, focusing on both successful and unsuccessful strategies.

The text is replete with hypothetical scenarios which are referred to serially in each chapter and shorter vignettes which provide story-boards on negotiation, each with their own 'lesson learned'. This brings the materials to life. The tone varies from the scholarly to the folksy with both weighty reflections and frothy suggestions, the text moving at a fast pace through its various topics. Readers emerge with important information about the brain and ears, and about sex and emotion, and it is left to the learner to put together, both physically and psychologically, a negotiator of World Cup standard.

As a teaching and learning book, the text has: valuable activities for learners and teachers; figures and maps reflecting important points; tables of checklists; questionnaires and models; cases and statutes; and a handsome glossary of terms relevant to the discipline. It covers well-worn areas on some topics, and is fresh and innovating in others.

The book also moves somewhat beyond the skills genre and draws on the literature in key areas, for example in relation to Von Thun's 'four-in-one message', Wade's 'risk analysis linked to life choices' and Luft and Ingram's 'Johari Window'. It upgrades the text into the skills-plus category.

However it is essentially a practice book, a how-to-do-it and why for new and experienced negotiators, retaining the inevitable lists and checklists of factors and activities relevant to negotiation practice. All texts such as this are challenged by the inherent difficulties in the provision of lists of potential interventions or responses to other parties, as it is difficult to provide a sense of priority or weighting in relation to the enumerated factors. It is not easy for either authors or students to manage the use and utility of lists, and this is certainly not an over-listy text.

Compared with the previous edition, this one is characterised by greater attention to the 'engine room' of negotiation and bargaining, particularly in Chapter 11. Of course there will always be differences as to what is intrinsically engine-room material—whether it be patterns of concession-making, conditional linked bargaining, crossing the last gap, and so on.

Published by ePublications@bond, 2011

Personally I would have liked to see more on CLB which is so critical to good bargaining and is a skill that young students can master in their early introduction to the world of negotiation, and which may well assist them in buying their next mobile phone. However, there are many other engine-room factors which deserve the closest attention.

Those with experience in the field will be drawn to the chapter on 'Tough skills for tough negotiations'. This, after all, is where the rubber meets the road and all practitioners have anecdotes of difficult, troublesome or horrific negotiation encounters. How do the authors approach this challenging topic? They begin by providing a list of 19 'hardball' tactics, such as bluffing or making extreme opening demands, and then suggest alternatives to such tactics and possible responses to them. This is extremely informative and practical material and could arguably have been expanded before leading into a discussion of ethics and legal constraints on these behaviours. There follows another good section on 'overcoming impasses', beginning with typical negotiation traps, such as the anchoring and sunk-cost traps, followed by discussion of 'impasse breakers' involving questions around process, relationships, substance and principle. Again, this is helpful information and discussion which arguably comes to an end too soon—but length is always a frustration in these pursuits.

In the larger picture, three issues come to the reviewer's mind in evaluating this kind of work, comments not restricted to the Alexander and Howieson text but to similar negotiation works here and abroad.

The first is the place of empirical science in understanding negotiation behaviour and in informing its skills and techniques. The role of academics and authors is to synthesise and explicate reality and there is an increasing availability of survey-based evidence on negotiation behaviour and tactics. While skills manuals are found in areas which will never become wholly evidence-based, the question arises as to the extent that writing on negotiation should incorporate not only survey evidence in disciplines such as cognitive psychology, organisational behaviour and neuro-science. After all 'negotiation' is a construct abstracted from social behaviour which can be viewed differently from many disciplinary perspectives. In some of these disciplines there is considerable scientific evidence on which to base practice skills.

The second reflection concerns the significance and impact of the legal regulation of negotiation behaviour. This is now a commonplace factor in many statutory, industry and organisational contexts where statutes, contractual instruments, codes of conduct and the like purport to shape, reward and sanction negotiation conduct. There are welcome references to some of the statutory contexts in which negotiation takes place, such as native title and trade practices legislation in Australia; there is discussion of a celebrated case on the issue; and under the heading 'hardball tactics and the law' references are made to several relevant statutory provisions.

Now, it is true that much of the statutory and professional regulation of negotiation is focused on its ethical contours and on matters such as good faith, whereas this is a book with a strategy and skills focus. However, the lines between skills, ethics and conduct requirements are flimsy and it is arguable that even in texts of this nature more attention could be paid, not only to the immense amount of current regulation of negotiation behaviour, but the extent to which this has an impact on actual practice—where such evidence is available. Moreover, as one of the authors has pointed out in another context, there is no such thing as a regulatory vacuum and the many dimensions of legal, industry, court and self-regulation are significant for this kind of text.

The third reflection relates to the relevance and usefulness of mediation practice, regulation and evidence for negotiation skills and techniques. In many respects, negotiation and mediation are conjoined twins in relation to strategy, style, skills and techniques. Mediation can be seen as an extrapolation of the negotiation process; and negotiation as a fundamental element of mediation systems. There is now a wealth of survey material on mediation conduct—some of it focusing on specific aspects of negotiation, such as forms of communication and the dynamics of the principal–agent relationship—and there is arguably scope for significant aspects of mediation information to be used in standard negotiation texts. Ironically, the style and content of the book have a distinctly 'mediational' feel to them, despite the lack of specific references to mediation practice.

In relation to these three points, it can, of course, be easily countered that their implications would take the text into a much more academic format, and certainly make it longer. However, they are issues which arise out of the cognate nature of negotiation and mediation and the sometimes artificial constructs in academic categorisation of disciplines.

One of the intriguing questions in the negotiation field relates to the seemingly simple question: What makes a negotiation successful? The question is posed in two ways in the book. In Chapter 1, it is asked *en passant* in an activity list, and teachers and learners using the book are left to their own devices in relation to the answer. In Chapter 4, the question is posed and answered by the authors as follows:

> [T]he parties feel they have an agreement they can live with, the process was fair and the parties felt they had a voice, the parties would be prepared to negotiate again in the future, the interests of influential outsiders have been taken into account, and there are positive impacts on the relationship between the parties.

It is hard to dispute these factors, and they provide an excellent set of goals for newcomers to the field. However, the question not only invites multiple levels of responses; it raises the interesting consideration as to whose perspectives are pertinent in its answering. Both large insurers and long-term partners in abusive relationships might, within their differing contexts, have very different answers to the question. The problem is that, whether

we like it or not, and despite the ideology of constructive, principled or interest-based bargaining, parties in negotiation are locked in a struggle and will have different priorities in relation to outcomes. In many respects this question is one of the most difficult for a negotiation manual to address and it will ensure a rich future for the literature in this discipline.

Finally, the point should be made that the depth, breadth and richness of this book make it relevant to both Negotiators and negotiators—the formal, board-room Negotiators and the everyday managers, business persons, state officials and, dare one say it, academics who make up the vast majority of negotiators. For all these groups this is an invaluable text.

Laurence Boulle is Editor of the ADR Bulletin and can be contacted at <Laurence.Boulle@wits.ac.za>.

ADR Diary • ADR Diary

Conflict Resolution Service (CRS) runs diverse **Mediator Professional Development** sessions in the ACT. For further information go to <www.crs.org.au> or email <executive@crs.org.au>.

The **Bond University Dispute Resolution Centre** has upcoming a **Basic Mediation** course on the Gold Coast on 28–31 July and in Melbourne on 20–23 October; and a five-day **Family Dispute Resolution** course on 24–28 August. For more information email <drc@bond.edu.au> or visit <www.bond.edu.au/faculties-colleges/dispute-resolution/index.htm>.

LEADR is holding **Mediation Workshops** in Adelaide on 15–19 August; in Brisbane on 21–25 June; Melbourne 31 May–4 June; Canberra on 16–20 May; Perth on 17–21 May; and Sydney on 20–24 June. For further information go to <www.leadr.com.au/training.htm>.

ACDC is offering **Mediation Training** in Sydney on 23–27 May; 27 June–1 July. Further details are available at <www.acdcltd.com.au>.

The **Trillium Group** is holding five-day **Mediation Workshops** in Sydney on 13–17 September. See <www.thetrilliumgroup.com.au> for further details.

The **5th Asia-Pacific Mediation Forum** (APMF) Event, Asia-Pacific Mediation Leadership Summit 'From Talk to Action' will be held in Bangkok on 6–8 July 2011. For further information go to <www.apmec.unisa.edu.au/apmf>.

PUBLISHER: Bond University PUBLISHING EDITOR: Lilla Wendoloski PRODUCTION: Alexandra Berthold SUBSCRIPTIONS: $330.00 per year including GST, handling and postage within Australia FREQUENCY: 6 issues per annum OFFICE: Dispute Resolution Centre Bond University Qld 4229 Australia TELEPHONE: (07) 5595 2039 FAX: (07) 5595 2036 adrbulletin@bond.edu.au

ISSN 1440-4540 Print Cite as (2011) 12(5) ADR

The ADR Bulletin provides the focused, practical news and information you need to keep up with current developments in this fast-changing field. It is available by private subscription for six issues in hard copy and/or electronic form. To subscribe to the ADR Bulletin simply contact Dispute Resolution Centre, Bond University Qld by telephone (07) 5595 2039 or email adrbulletin@bond.edu.au. This publication is copyright. Other than for purposes and subject to the conditions prescribed under the Copyright Act, no part of it may in any form or by any means (electronic, mechanical, microcopying, photocopying, recording or otherwise) be reproduced, stored in a retrieval system or transmitted without prior written permission.

Inquiries should be addressed to adrbulletin@bond.edu.au

Printed in Australia © 2011 Bond University Dispute Resolution Centre ABN: 88 010 694 121